

REMARKS

In view of the following discussion and amendments to the claims, the Applicants submit that none of the claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103(a). Thus, the Applicants believe that all of the presently pending claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues resulting in adverse action in any of the claims now pending in the application, Applicants request that the Examiner telephone Mr. Gregory Discher, Esq. at telephone number (202) 662-5485 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Support for the amendments to the claims is found at least in paras. [0016], [0017], [0018], [0019], [0029], [0032], [0034], [0035], [0037], [0038] and [0039] of Applicants' specification.

After entry of the amendment, claims 1-7, 9-60 and 62-69 are pending.

Applicants note that the Examiner has withdrawn the rejection of claims 1-7 and 9-69 as being obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,260,011 to Heckerman et al. ("Heckerman") in view of U.S. Publication 2002/10122078 to Markowski ("Markowski"), as set forth in the Office Action dated September 1, 2009. In response to Applicants' amendment filed on February 25, 2010, the Examiner in the most recent and current Office Action dated June 8, 2010, now rejects claims 1-7 and 9-69 under 35 U.S.C. § 103(a) over Heckerman, Markowski, and U.S. Patent No. 7,487,086 to Griggs (Griggs).

Rejection of Claims 1-7 and 9-69 Under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 1-7 and 9-69 under 35 U.S.C. § 103(a) over Heckerman, Markowski and Griggs, particularly in view of the amendments to the claims.

The presently pending claims recite features that are not disclosed or suggested in Heckerman, Markowski or Griggs.

For example, claim 1 is directed, at least in part, to “creating, without human input, a **summary text** corresponding to the text adapted to be visually displayed, wherein the **summary text** is created directly from the audio security disclosure data, and wherein the **summary text** is shorter than the text adapted to be visually displayed and for inserting a fourth marker in said **summary text** in a position corresponding to at least one of the first marker location in the audio data and the second marker location in the text.” Each of independent claims 39, 58, 60, 68 and 69 also recite, inter alia, “summary text” (or “summary transcribed text”).

Applicants do not find that the systems and methods disclosed in Heckerman, Markowski and/or Griggs are directed to “summary text” applications. For example, on page 3 of the Office Action, the Examiner relies on column 6, lines 11-67 and column 8, lines 15-67 of Heckerman. The Examiner also relies on paragraph [0046] of Markowski as allegedly teaching displaying security issuer disclosure information in a graphical user interface. On page 4 of the Office Action, the Examiner cites column 13, lines 35-55 of Heckerman. The Examiner also cites column 3, lines 1-45, column 8, lines 1-67, and column 9, lines 1-67 of Griggs. However, as far as Applicants can tell, neither these, nor any other passages of Heckerman, Markowski or Griggs teach or suggest the use of “summary text” as now claimed.

In fact, Applicants do not find that the word “summary” (apart from the “Summary of the Invention” section) even appears in any of Heckerman, Markowski, or Griggs. Accordingly, Applicants submit that the combination of Heckerman, Markowski and Griggs cannot possibly factually support a *prima facie* case of obviousness as required by M.P.E.P. Section 2142.

On page 6 of the Office Action, with regard to independent claim 39, the Examiner cites column 8, lines 15-56 of Heckerman, and para. [0046] of Markowski. However, as far as Applicants can tell, and as is the case with claim 1, neither these nor any other passages of Markowski and/or Heckerman teach or suggest the use of “summary text” as now recited in claim 39.

On page 8 of the Office Action, the Examiner asserts that the language of independent claims 58 and 60 “recite similar language found in the rejected claims, numbered 1-6,” and rejects claims 58 and 60 under a “similar rationale” as claim 1. However, as far as Applicants can tell, and as discussed above in connection with claim 1, neither Heckerman, Markowski or Griggs teach or suggest the use of “summary text” as now recited in claim 58, or “the second text is a summary text” feature now recited in claim 60.

Turning now to independent claims 68 and 69, on page 9 of the Office Action, the Examiner states that claims 68 and 69 “recite similar language found in the rejected independent claim 1.”

Claims 68 and 69 are provided below:

68. (Currently Amended). An apparatus, comprising:
a processor for receiving audio security disclosure data at a first time;
said processor configured for creating, without human input, a summary transcribed text from the audio security disclosure data and a complete transcribed text from the audio security disclosure data, the summary transcribed text and the complete transcribed text being created during a second time period subsequent to the first time; and
said processor transmitting to a display, in communication with said processor, a selectable connection associated with the summary transcribed text and within a first portion of the display, that allows a user to activate the selectable connection and thereby cause the processor to display the complete transcribed text within a second portion of the display so that **at least a portion of the complete transcribed text and the corresponding summary transcribed text are displayed simultaneously.**
69. (Currently Amended). An apparatus for providing security disclosure data in at least two aligned formats, the apparatus comprising:

a processor for receiving audio security disclosure data at a first time and causing a display monitor to display, without human input, for simultaneous viewing at a second time subsequent to the first time

- i) a first summary text generated from the audio security disclosure data, and
- ii) a second verbatim text generated from the audio security disclosure data,

wherein the summary text is displayed in a first vertical portion of the display monitor and the verbatim text is displayed in a second vertical portion of the display monitor, and

wherein **selectively activating a portion of the summary text causes the corresponding verbatim text to be displayed in alignment with the summary text**, and wherein the **verbatim text is automatically and without human intervention shown as highlighted** and the **selectively activated portion of the summary text is automatically and without human intervention shown as visually distinct from the portion of the summary text that is not selectively activated.**

As seen, claim 68 recites that “at least a portion of the complete transcribed text and the corresponding summary transcribed text are displayed simultaneously.” Claim 1 does not recite this feature. The Examiner’s assertion on page 9 of the Office Action that claim 68 recites “similar language found in the rejected independent claim 1” is simply not on point, particularly in view of the amendments made to claims 1 and 68. In view of the foregoing, Applicants believe and urge the Examiner to recognize that presently pending claim 68 also merits allowance.

As seen, claim 69 recites: i) that “selectively activating a portion of the summary text causes the corresponding verbatim text to be displayed in alignment with the summary text”; ii) that “verbatim text is automatically and without human intervention shown as highlighted”; and iii) that the “selectively activated portion of the summary text is automatically and without human intervention shown as visually distinct from the portion of the summary text that is not selectively activated.” Claim 1 does not recite these features. The Examiner’s assertion on page

8 of the Office Action that claim 69 recites “similar language found in the rejected independent claim 1” is simply not on point, particularly in view of the amendments made to claims 1 and 69. In view of the foregoing, Applicants believe and urge the Examiner to recognize that presently pending claim 69 also merits allowance.

In view of the foregoing, and for at least these reasons, Applicants request that the Examiner withdraw the rejection of claims 1-7, 9-60 and 62-69 under 35 U.S.C. § 103(a).

In view of the foregoing amendments to the claims, and the remarks which underscore the marked differences between the subject matter presented in the claims herein and the overall disclosure of the prior art, it is submitted that the claimed invention is not, and could not, be rendered obvious by Heckerman, Markowski and/or Griggs. There are too many fundamental differences (e.g., the lack of disclosure of “summary text” as now recited in the presently pending claims) between the claimed invention and the disclosures of Heckerman, Markowski and Griggs to possibly arrive at the functionality, operation and combination of features recited in the present invention. Therefore, Applicants believe and urge the Examiner to recognize that the presently pending claims merit allowance.

CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the prior art, as discussed above. However, Applicants do not concede that other

features in the claims are also not missing in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

For the reasons advanced above, issuance of a Notice of Allowance is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: October 6, 2010

Respectfully submitted,

By 

Gregory S. Discher

Registration No.: 42,488
COVINGTON & BURLING
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
(202) 662-6000
Attorneys for Applicants